A/71/18

United Nations

Report of the Committee on the Elimination of Racial Discrimination

Eighty-seventh session
(3-28 August 2015)

Eighty-eighth session
(23 November-11 December 2015)

Eighty-ninth session
(25 April-13 May 2016)

General Assembly

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Note

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Letter of transmittal

13 May 2016

Sir,

It is with pleasure that I transmit the annual report of the Committee on the Elimination of Racial Discrimination.

The report contains information on the eighty-seventh, eighty-eighth and eighty-ninth sessions of the Committee, held from 3 to 28 August 2015, from 23 November to 11 December 2015 and from 25 April to 13 May 2016, respectively.

The International Convention on the Elimination of All Forms of Racial Discrimination, which has now been ratified by 177 States, constitutes the normative basis upon which international efforts to eliminate racial discrimination should be built.

During its eighty-seventh, eighty-eighth and eighty-ninth sessions, the Committee continued to deal with a significant workload in terms of the examination of States parties' reports (see chap. III) in addition to other related activities. The Committee also examined the situations of several States parties under its early warning and urgent action procedures (see chap. II). Furthermore, the Committee examined information submitted by several States parties under its procedure for follow-up to the consideration of reports (see chap. IV).

The Committee remains committed to a continuous process of improvement of its working methods, with the aim of maximizing its effectiveness and adopting innovative approaches to combating contemporary forms of racial discrimination. The evolving practice and interpretation of the Convention by the Committee is reflected in its general recommendations, opinions on individual communications, decisions and concluding observations.

As we celebrate the fiftieth anniversary of the adoption of this momentous Convention, I have no doubt that the dedication and professionalism of the members of the Committee of whom 40 per cent are women, as well as the pluralistic and multidisciplinary nature of their contributions, will ensure that the work of the Committee will continue to contribute significantly to the implementation of both the Convention and the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance in the years ahead.

Please accept, Sir, the assurances of my highest consideration.

(*Signed*) Anastasia **Crickley**
Chair
Committee on the Elimination
of Racial Discrimination

His Excellency Mr. Ban Ki-moon
Secretary-General of the United Nations
New York

I. Organizational and related matters

A. States parties to the International Convention on the Elimination of All Forms of Racial Discrimination

1. As at 13 May 2016, the closing date of the eighty-ninth session of the Committee on the Elimination of Racial Discrimination, there were 177 States parties to the International Convention on the Elimination of All Forms of Racial Discrimination, which was adopted by the General Assembly in resolution 2106A (XX) of 21 December 1965 and opened for signature and ratification in New York on 7 March 1966. The Convention entered into force on 4 January 1969 in accordance with the provisions of its article 19.

2. By the closing date of the eighty-ninth session, 57 of the 177 parties to the Convention had made the declaration envisaged in article 14 (1) of the Convention. Article 14 of the Convention entered into force on 3 December 1982, following the deposit with the Secretary-General of the tenth declaration recognizing the competence of the Committee to receive and consider communications from individuals or groups of individuals who claim to be victims of a violation by the State party concerned of any of the rights set forth in the Convention. Lists of parties to the Convention and of the States that have made the declaration under article 14 are contained in annex I to the present report, as is a list of the 46 States parties that have accepted the amendments to the Convention adopted at the fourteenth meeting of States parties, as at 13 May 2016.

B. Sessions and agendas

3. The Committee held three sessions during the period under review. The eighty-seventh session (2352nd-2390th meetings), the eighty-eighth session (2391st-2420th meetings) and the eighty-ninth (2421st-2448th meetings) were held at the United Nations Office at Geneva from 3 to 28 August 2015, from 23 November to 11 December 2015 and from 25 April to 13 May 2016, respectively.

4. The provisional agendas of the three sessions were adopted by the Committee without revision (see CERD/C/87/1, CERD/C/88/1 and CERD/C/89/1).

C. Membership

5. At their twenty-sixth meeting, held on 15 June 2015 in New York, the States parties to the Convention elected nine members of the Committee to replace those whose terms of office were due to expire on 19 January 2016, in accordance with article 8 (1)-(5) of the Convention. The list of members of the Committee for the period under review is as follows:

Name of member	*Nationality*	*Term expires on 19 January*
Nourredine **Amir**	Algeria	2018
Alexei S. **Avtonomov**	Russian Federation	2020
Marc **Bossuyt**	Belgium	2018
José Francisco **Cali Tzay**	Guatemala	2020
Anastasia **Crickley**	Ireland	2018

Name of member	*Nationality*	*Term expires on 19 January*
Fatimata-Binta Victoire **Dah**	Burkina Faso	2020
Afiwa-Kindéna **Hohoueto**	Togo	2018
Anwar **Kemal**	Pakistan	2018
Melhem **Khalaf**	Lebanon	2018
Gun **Kut**	Turkey	2018
José A. **Lindgren Alves**	Brazil	2018
Nicolás **Marugán**	Spain	2020
Gay **McDougall**	United States of America	2020
Yemhelha Mint **Mohamed**	Mauritania	2020
Pastor Elias **Murillo Martínez**	Colombia	2020
Verene **Shepherd**	Jamaica	2020
Yanduan **Li**	China	2020
Yeung Kam John **Yeung Sik Yuen**	Mauritius	2018

D. Officers of the Committee

6. The Bureau of the Committee comprised the following Committee members during the period under review:

Chair:	Anastasia Crickley (2016-2018)
Vice-Chairs:	Nourredine Amir (2016-2018) José Francisco Cali Tzay (2016-2018) Melhem Khalaf (2016-2018)
Rapporteur:	Alexei S. Avtonomov (2016-2018)

E. Cooperation with the International Labour Organization, the Office of the United Nations High Commissioner for Refugees, the United Nations Educational, Scientific and Cultural Organization, the special procedures of the Human Rights Council and the regional human rights mechanisms

7. In accordance with Committee decision 2 (VI) of 21 August 1972 concerning cooperation with the International Labour Organization (ILO) and the United Nations Educational, Scientific and Cultural Organization,[1] both organizations were invited to attend the sessions of the Committee. Consistent with the Committee's recent practice, the Office of the United Nations High Commissioner for Refugees (UNHCR) was also invited to attend.

[1] See *Official Records of the General Assembly, Twenty-seventh Session, Supplement No. 18* (A/87/18), chap. IX, sect. B.

8. Reports of the ILO Committee of Experts on the Application of Conventions and Recommendations submitted to the International Labour Conference were made available to the members of the Committee on the Elimination of Racial Discrimination, in accordance with arrangements for cooperation between the two committees. The Committee took note with appreciation of the reports of the Committee of Experts, in particular of those sections which dealt with the application of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111), and the Indigenous and Tribal Peoples Convention, 1989 (No. 169), as well as other information in the reports relevant to its activities.

9. UNHCR submits comments to the members of the Committee on the Elimination of Racial Discrimination on all States parties whose reports are being examined when UNHCR is active in the country concerned. These comments make reference to the human rights of refugees, asylum seekers, returnees (former refugees), stateless persons and other categories of persons of concern to UNHCR.

10. UNHCR and ILO representatives attend the sessions of the Committee and brief Committee members on matters of concern.

F. Other matters

11. The United Nations High Commissioner for Human Rights addressed the Committee at its 2391st meeting (eighty-eighth session).

12. The Director of the Human Rights Treaties Division of the Office of the United Nations High Commissioner for Human Rights (OHCHR) addressed the Committee at its 2421st meeting (eighty-ninth session).

G. Adoption of the report

13. At its 2448th meeting (eighty-ninth session), the Committee adopted its annual report to the General Assembly.

II. Prevention of racial discrimination, including early warning and urgent action procedures

14. The Committee's work under its early warning and action procedure is aimed at preventing and responding to serious violations of the International Convention on the Elimination of All Forms of Racial Discrimination. A working paper adopted by the Committee in 1993[2] to guide its work in this area was replaced by new guidelines adopted by the Committee at its seventy-first session in August 2007.[3]

15. The Committee's working group on early warning and urgent action, established at the sixty-fifth session of the Committee in August 2004, currently comprises the following members:

Coordinator:	José Francisco Calí Tzay
Members:	Alexei S. Avtonomov Gay McDougall Yemhelha Mint Mohamed Yanduan Li

Consideration of situations under the early warning and urgent action procedure

16. During the reporting period, the Committee considered a number of situations under its early warning and urgent action procedure, including those set out below.

17. In a letter dated 28 August 2015, the Committee reiterated its concerns about allegations that traditional lands of the Aru indigenous peoples in Indonesia were being alienated by the Menara Group consortium. On those lands were sites of fundamental cultural and spiritual importance and the intended conversion of the forest into sugarcane plantations would place the cultural and economic resources of the Aru indigenous peoples in serious peril. The Committee requested that the State party submit information on all the issues and concerns outlined in the letter and on any action taken to address them.

18. On 11 December 2015, the Committee sent a letter to the Government of Thailand, requesting the State party to address the effective implementation of measures to monitor the enforcement of special counter-insurgency legislation in accordance with human rights standards, to protect the Malayu Thai civil society organizations from intimidation and harassment and to investigate any allegations of discriminatory collection of DNA samples based on ethnicity. The Committee also requested that the State party provide additional information on steps taken to implement paragraph 21 of its concluding observations on Thailand, adopted on 24 August 2012.

19. On 26 January 2016, the Committee sent a letter to the Government of the Russian Federation requesting the State party to submit its combined twenty-third and twenty-fourth periodic reports and include additional information on the consultations held with freely elected representatives of the Shor villages and measures to gain the free, prior and informed consent of the indigenous people affected by any decision taken. The Committee also requested information on the outcome of the investigations carried out into the

[2] See *Official Records of the General Assembly, Forty-eighth Session, Supplement No. 18* (A/48/18), para. 18 and annex III.

[3] See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 18* (A/62/18), annex III.

destruction, between November 2013 and March 2014, of the five remaining houses of Kazas and, if appropriate, on the prosecutions and sanctions handed down and the compensation provided to victims. Information was also requested in respect of measures taken to protect the Shor activists involved from any intimidation and harassment.

20. On 17 February 2016, the Committee sent a letter to Papua New Guinea to reiterate its concern regarding the threat of alienation of indigenous lands through the issuance of "special agricultural and business leases". The Committee was particularly concerned about information indicating that no concrete action had been taken by the State party to cancel such leases and that logging operations continued to take place. The Committee requested information on the measures taken or envisaged to ensure that the application of the Land Act (1996) did not result in the alienation of lands belonging to indigenous peoples, that indigenous landowners were systematically informed about the purposes of the leases, that all leases were granted with the free, prior and informed consent of indigenous peoples and that landowners were granted access to the justice system and to an effective remedy in cases of violations of their rights. The Committee also requested that it be informed of any measure or action planned to be taken to implement the recommendations of the commission of inquiry on special agricultural and business leases. The Committee further requested that information on measures to be taken to protect indigenous landowners and those who protest against special agricultural and business leases from any kind of intimidation, harassment, attack or other form of physical harm. Lastly, the Committee requested that the State party submit the periodic reports overdue since 1984.

21. On 27 May 2016, the Committee sent a letter to Canada regarding allegations of violations by the Canadian company Hudbay Mineral Inc. of the rights of indigenous women in the village of Lote Ocho in Guatemala, specifically the alleged forced eviction and rape of Margarita Caal Caal and 10 other women. Also on 27 May 2016, a letter dealing with the same issue was sent to the Government of Guatemala. Furthermore, in relation to Canada, the Committee expressed concern about the land claims situation of the Lubikon Lake Nation (Muskotew Sakahikan Enowuk), specifically the allegation that, for over 40 years, oil and gas has been extracted from the Lubikon Lake territory without the free, prior and informed consent of the Lubikon Lake people, which has had a negative impact on their livelihood and health and resulted in environmental, economic, social, cultural and spiritual damages. The Committee requested that the State party submit information on all the issues and concerns outlined in the letter, including any action already taken to address the concerns, including any efforts made to adopt legislative or administrative measures to hold accountable transnational corporations registered in Canada whose actions violate the human rights of indigenous people and local communities and any steps taken to ensure the participation of all Lubikon Lake Nations and elected representatives in decision-making processes that concern them.

III. Consideration of reports, comments and information submitted by States parties under article 9 of the Convention

22. At its eighty-seventh session, the Committee adopted concluding observations on eight States parties: Colombia (CERD/C/COL/CO/15-16), Costa Rica (CERD/C/CRI/CO/19-22), Czech Republic (CERD/C/CZE/CO/10-11), Netherlands (CERD/C/NLD/CO/19-21), Niger (CERD/C/NER/CO/15-21), Norway (CERD/C/NOR/CO/21-22), Suriname (CERD/C/SUR/CO/13-15) and the former Yugoslav Republic of Macedonia (CERD/C/MKD/CO/8-10). At its eighty-eighth session, the Committee adopted concluding observations on six States parties: Egypt (CERD/C/EGY/CO/17-22), Holy See (CERD/C/VAT/CO/16-23), Lithuania (CERD/C/LTU/CO/6-8), Mongolia (CERD/C/MNG/CO/19-22), Slovenia (CERD/C/SVN/CO/8-11) and Turkey (CERD/C/TUR/CO/4-6). At its eighty-ninth session, the Committee adopted concluding observations on six States parties: Azerbaijan (CERD/C/AZE/CO/7-9), Georgia (CERD/C/GEO/CO/6-8), Namibia (CERD/C/NAM/CO/13-15), Oman (CERD/C/OMN/CO/2-5), Rwanda (CERD/C/RWA/CO/18-20) and Spain (CERD/C/ESP/CO/21-23).

23. The concluding observations adopted by the Committee at those sessions are available from the OHCHR website (www.ohchr.org) and the Official Documents System of the United Nations (http://documents.un.org) under the symbols indicated above.

IV. Follow-up to the consideration of reports submitted by States parties under article 9 of the Convention

24. During the period under review, Mr. Kut served as coordinator for follow-up to the consideration of reports submitted by States parties.

25. Terms of reference for the work of the coordinator on follow-up[4] and guidelines on follow-up[5] to be sent to each State party together with the concluding observations of the Committee were adopted by the Committee at its sixty-sixth and sixty-eighth sessions, respectively.

26. At the 2323rd meeting (eighty-fifth session) and at the 2351st meeting (eighty-sixth session), Mr. Kut presented a report to the Committee on his activities as coordinator.

27. During the period under review, follow-up reports on the implementation of recommendations regarding which the Committee had requested information were received from the following States parties: Estonia (CERD/C/EST/CO/10-11/Add.1), Kazakhstan (CERD/C/KAZ/CO/6-7/Add.1), Poland (CERD/C/POL/CO/20-21/Add.1), Switzerland (CERD/C/CHE/CO/7-9/Add.1), United States (CERD/C/USA/CO/7-9/Add.1) and Uzbekistan (CERD/C/UZB/CO/8-9/Add.1).

28. At its eighty-seventh, eighty-eighth and eighty-ninth sessions, the Committee considered the follow-up reports of Estonia, Kazakhstan, Poland, Switzerland, the United States and Uzbekistan and continued the constructive dialogue with those States parties by transmitting comments and requesting further information.

[4] For the terms of reference, see *Official Records of the General Assembly, Sixtieth Session, Supplement No. 18* (A/60/18), annex IV.

[5] For the text of the guidelines, see *Official Records of the General Assembly, Sixty-first Session, Supplement No. 18* (A/61/18), annex VI.

V. States parties the reports of which are seriously overdue

A. Reports overdue by at least 10 years

29. The following States parties are at least 10 years late in the submission of their reports:

Sierra Leone	Fourth periodic report overdue since 1976
Liberia	Initial report overdue since 1977
Somalia	Fifth periodic report overdue since 1984
Papua New Guinea	Second periodic report overdue since 1985
Solomon Islands	Second periodic report overdue since 1985
Central African Republic	Eighth periodic report overdue since 1986
Afghanistan	Second periodic report overdue since 1986
Seychelles	Sixth periodic report overdue since 1989
Saint Lucia	Initial report overdue since 1991
Malawi	Initial report overdue since 1997
Burundi	Eleventh periodic report overdue since 1998
Gabon	Tenth periodic report overdue since 1999
Haiti	Fourteenth periodic report overdue since 2000
Guinea	Twelfth periodic report overdue since 2000
Syrian Arab Republic	Sixteenth periodic report overdue since 2000
Zimbabwe	Fifth periodic report overdue since 2000
Lesotho	Fifteenth periodic report overdue since 2000
Tonga	Fifteenth periodic report overdue since 2001
Bangladesh	Twelfth periodic report overdue since 2002
Eritrea	Initial report overdue since 2002
Belize	Initial report overdue since 2002
Benin	Initial report overdue since 2002
Equatorial Guinea	Initial report overdue since 2003
San Marino	Initial report overdue since 2003
Hungary	Eighteenth periodic report overdue since 2004
Timor-Leste	Initial report overdue since 2004
Trinidad and Tobago	Combined fifteenth and sixteenth periodic reports overdue since 2004
Comoros	Initial report overdue since 2005
Uganda	Combined eleventh to thirteenth periodic reports overdue since 2005

Mali	Combined fifteenth and sixteenth periodic reports overdue since 2005
Ghana	Combined eighteenth and nineteenth periodic reports overdue since 2006
Libya	Combined eighteenth and nineteenth periodic reports overdue since 2006
Côte d'Ivoire	Combined fifteenth to seventeenth periodic reports overdue since 2006

B. Reports overdue by at least five years

30. The following States parties are at least five years late in the submission of their reports:

Bahamas	Combined fifteenth and sixteenth periodic reports overdue since 2006
Saudi Arabia	Combined fourth and fifth periodic reports overdue since 2006
Cabo Verde	Combined thirteenth and fourteenth periodic reports overdue since 2006
Saint Vincent and the Grenadines	Combined eleventh to thirteenth periodic reports overdue since 2006
Bahrain	Combined eighth and ninth periodic reports overdue since 2007
Latvia	Combined sixth to eighth periodic reports overdue since 2007
Andorra	Initial report overdue since 2007
Saint Kitts and Nevis	Initial report overdue since 2007
United Republic of Tanzania	Combined seventeenth and eighteenth periodic reports overdue since 2007
Barbados	Combined seventeenth and eighteenth periodic reports overdue since 2007
Brazil	Combined eighteenth to twentieth periodic reports overdue since 2008
Nigeria	Combined nineteenth to twentieth periodic reports overdue since 2008
Mauritania	Combined eighth to tenth periodic reports overdue since 2008
Nepal	Combined seventeenth to nineteenth periodic reports overdue since 2008
Madagascar	Combined nineteenth and twentieth periodic reports overdue since 2008
Guyana	Combined fifteenth and sixteenth periodic reports overdue since 2008

Zambia	Combined seventeenth to nineteenth periodic reports overdue since 2009
Botswana	Combined seventeenth and eighteenth periodic reports overdue since 2009
Antigua and Barbuda	Combined tenth and eleventh periodic reports overdue since 2009
India	Combined twentieth and twenty-first periodic reports overdue since 2010
Indonesia	Combined fourth to sixth periodic reports overdue since 2010
Guinea-Bissau	Initial report overdue since 2011

C. Action taken by the Committee to ensure submission of reports by States parties

31. Following its decision to adopt the simplified reporting procedure (see para. 57), the Committee sent a note verbale on 20 January 2015 to those States parties whose periodic reports were overdue by more than 10 years, offering them the option to report under the new procedure. As at 13 May 2016, one State party has responded positively.

VI. Consideration of communications under article 14 of the Convention

32. Under article 14 of the Convention, individuals or groups of individuals who claim that any of their rights enumerated in the Convention have been violated by a State party and who have exhausted all available domestic remedies may submit written communications to the Committee for consideration. A list of the 57 States parties that have recognized the competence of the Committee to consider such communications can be found in annex I, section C; information on the declarations can also be found on the website of the United Nations Treaty Collection (http://treaties.un.org/).

33. Consideration of communications under article 14 of the Convention takes place in closed meetings (rule 88 of the Committee's rules of procedure). All documents pertaining to the work of the Committee under article 14 (submissions from the parties and other working documents of the Committee) are confidential.

34. At the time of adoption of the present report the Committee had registered, since 1984, 58 complaints concerning 13 States parties. Of those, 1 complaint was discontinued and 19 were declared inadmissible. The Committee adopted final decisions on the merits of 33 complaints and found violations of the Convention in 15 of them. Five complaints were pending consideration.

35. At its eighty-seventh session, the Committee considered communication No. 55/2014 (*M.M. v. the Russian Federation*).[6] The communication was submitted by M.M., a national of Somalia residing in the United States who claimed to be the victim of a violation by the Russian Federation[7] of his rights under articles 2 (1) (a), 5 (a) and 6 of the Convention. The Committee noted the petitioner's argument that his complaint was based on the allegation that he was a victim of racial discrimination owing to the length of the preliminary investigation regarding a crime he was accused of. The Committee assessed whether the facts on which the petitioner based his allegations constituted discrimination on the basis of race, colour, descent or national or ethnic origin. The Committee noted that the petitioner did not contest the State party's affirmation that the extension of the preliminary investigation was due to the complexity of the case, including the need to translate several documents and the use of interpreters. The Committee considered that, in the absence of any claims from the author, the State party's explanation was reasonable and therefore led to a rebuttal of the petitioner's claim of intentional discrimination. In view of the above, the Committee considered that the petitioner failed to sufficiently substantiate his claims and declared the communication inadmissible under article 14 (1) of the Convention.

36. At its eighty-eighth session, the Committee considered communication No. 56/2014 (*U.S. v. Slovakia*).[8] The petitioner, a national of Slovakia of Roma origin, claimed to be the victim of a violation by Slovakia[9] of her rights under article 2 (1) (a) and (c)-(e) and (2), read in conjunction with articles 5 (e) (i) and 6 of the Convention. The Committee noted the petitioner's claim that she had been subjected to racial discrimination in the context of a recruitment process carried out by a public elementary school. The Committee also took note of the statement of the Ministry of Education indicating that the lack of funds could not justify the recruitment of a non-qualified applicant, as well as the statement made by the

[6] CERD/C/87/D/55/2014.

[7] The Convention was ratified by the Russian Federation on 4 February 1969 and the declaration under article 14 was made on 1 October 1991.

[8] CERD/C/88/D/56/2014.

[9] The Convention was ratified by Slovakia on 28 May 1993 by way of declaration on succession and the declaration under article 14 was made on 17 March 1995.

Slovak National Centre for Human Rights indicating that the petitioner's case could amount to a violation of the principle of equal treatment. The Committee considered that the State party could not disclaim its responsibility since the headteacher of a public school, although being a separate legal entity, has the remit to select school personnel in the context of the exercise of a public service. The Committee further considered that the State party did not provide persuasive arguments to justify the differential treatment of the petitioner when disregarding her job application. The Committee, therefore, found a violation of article 5 (e) (i) of the Convention, as the preferential selection for a teaching assistant position of a candidate who was underqualified could not be justified by her professional competences or a lack of funds.

37. The Committee noted the petitioner's claim that the courts had deprived her of the right to effective protection and to an effective remedy against discrimination, as they requested her to prove the school's intent to discriminate against her while she should not have been requested to do so in compliance with the shifted burden of proof under the Anti-discrimination Act. The Committee also noted that, although it is not its role to review the interpretation of facts and national law made by domestic authorities, it can do so when the decisions are manifestly arbitrary or otherwise amount to a denial of justice. The Committee considered that the courts' insistence that the petitioner prove discriminatory intent was inconsistent with the Convention's prohibition of conduct having a discriminatory effect, and also with the procedure of shifted burden of proof introduced by the State party's legislation. Since the State party has adopted such a procedure, its failure to apply it properly amounts to a violation of the petitioner's right to an effective remedy, which is why the Committee concluded that the petitioner's rights under articles 2 (1) (a) and (c) and 6 of the Convention had been violated.

38. At its eighty-ninth session, the Committee considered communication No. 52/2012 (*Laurent Gabre Gabaroum v. France*).[10] The communication was submitted by Laurent Gabre Gabaroum, a national of France of African origin who claimed to be the victim of a violation by France[11] of his rights under articles 2-6 of the Convention. The Committee noted the petitioner's allegations that the State party did not take any action against Renault's practice of stigmatizing and stereotyping French nationals of African origin on the basis of their colour amounting to a violation of article 3 of the Convention. The Committee considered that the petitioner limited himself to making general statements and did not submit any information or evidence on the alleged violation of article 3 of the Convention, and therefore considered that the petitioner's allegations under that article inadmissible.

39. The Committee also noted the petitioner's claim that the employer should have presented proof that it had not used illegitimate criteria in order to justify its unequal treatment of the petitioner. The Committee further noted that the Paris Court of Appeal stated that it was incumbent upon the petitioner to present evidence of a pattern of unfavourable treatment towards him using any means available. The Committee considered that the persistence of the courts, in particular the Paris Court of Appeal, in requiring the petitioner to prove discriminatory intent, runs counter to the Convention's prohibition against all behaviour that has a discriminatory effect and counter to the procedure for the reversal of the burden of proof provided for in the national legislation (article L.-1134-1 of the Labour Code). As it was the State party itself that had adopted the procedure, the fact that it had not applied it correctly constitutes a violation of the petitioner's right to an effective remedy. The Committee therefore found that the petitioner's rights under articles

[10] CERD/C/89/D/52/2012.

[11] France acceded to the Convention on 28 July 1971, and the declaration under article 14 was made on 16 August 1982.

2 and 6 of the Convention had been violated. In the light of those findings, the Committee decided not to examine separately the petitioner's allegations with respect to articles 4 and 5 of the Convention. The Committee recommended that the State party take the steps necessary to ensure that the principle of reversal of the burden of proof is fully observed.

VII. Follow-up to individual communications

40. At its sixty-seventh session,[12] following a discussion based on a background paper prepared by the secretariat, the Committee decided to establish a procedure to follow up on its opinions and recommendations adopted following the examination of communications from individuals or groups of individuals.

41. At the same session, the Committee decided to add two paragraphs to its rules of procedure setting out details of the procedure.[13] The Rapporteur for follow-up to opinions regularly presents a report to the Committee with recommendations on further action to be taken. These recommendations, which are annexed to the Committee's annual reports to the General Assembly, reflect the cases in which the Committee found violations of the Convention or otherwise provided suggestions or recommendations.

42. The table below provides an overview of follow-up replies received from States parties. Wherever possible, it indicates whether follow-up replies are or have been considered satisfactory or unsatisfactory, or whether the dialogue between the State party and the Rapporteur for follow-up continues. In general, replies may be considered satisfactory if they reveal willingness by the State party to implement the Committee's recommendations or to offer an appropriate remedy to the complainant. Replies that do not address the Committee's recommendations or relate only to certain aspects of the recommendations are generally considered unsatisfactory.

43. At the time of adoption of the present report, the Committee had adopted final opinions on the merits with respect to 33 complaints and found violations of the Convention in 15 cases. In 10 cases, the Committee provided suggestions or recommendations although it did not establish a violation of the Convention.

[12] See *Official Records of the General Assembly, Sixtieth Session, Supplement No. 18* (A/60/18), annex IV, sect. I.

[13] Ibid., annex IV, sect. II. *Official Records of the General Assembly, Sixty-ninth Session, Supplement No. 23* (A/69/23).

Follow-up information received to date for all cases of violations of the Convention in which the Committee provided suggestions or recommendations

State party and number of cases of violations	*Communication number and author*	*Follow-up response received from State party*	*Satisfactory response*	*Unsatisfactory or incomplete response*	*No follow-up response received*	*Follow-up dialogue ongoing*
Denmark (6)	10/1997, Ziad Ben Ahmed Habassi	X (A/61/18)	X			
	16/1999, Kashif Ahmad	X (A/61/18)	X			
	34/2004, Hassan Gelle	X (A/62/18)	X			
	40/2007, Murat Er	X (A/63/18)		X incomplete		
	43/2008, Saada Mohamad Adan	X (A/66/18) 6 December 2010 28 June 2011	X partly satisfactory	X partly unsatisfactory		
	46/2009, Mahali Dawas and Yousef Shava	X (A/69/18) 18 June 2012 29 August 2012 20 December 2013 19 December 2014	X partly satisfactory			X
France (3)	31/2003, L.R. et al.	X (A/61/18, A/62/18)				X
	56/2014, V.S	X 9 March 2016		X		X
	52/2012, Laurent Gabre Gabaroum	Due August 2016				X
Germany (1)	48/2010, TBB-Turkish Union Berlin/Brandenburg	X (A/70/18) 1 July 2013 29 August 2013 17 September 2014 3 February 2015				X

State party and number of cases of violations	*Communication number and author*	*Follow-up response received from State party*	*Satisfactory response*	*Unsatisfactory or incomplete response*	*No follow-up response received*	*Follow-up dialogue ongoing*
Netherlands (2)	1/1984, A. Yilmaz-Dogan				X	
	4/1991, L.K.				X	
Norway (1)	30/2003, The Jewish Community of Oslo	X (A/62/18)			X	X
Republic of Korea (1)	51/2012, L.G.	X 9 December 2016		X		X
Serbia and Montenegro (1)	29/2003, Dragan Durmic	X (A/62/18)				X
Slovakia (1)	13/1998, Anna Koptova	X (A/61/18, A/62/18)				X

VIII. Consideration of copies of petitions, copies of reports and other information relating to Trust and Non-Self-Governing Territories to which General Assembly resolution 1514 (XV) applies, in conformity with article 15 of the Convention

44. Under article 15 of the Convention, the Committee is empowered to consider copies of petitions, reports and other information relating to Trust and Non-Self-Governing Territories and to all other territories to which General Assembly resolution 1514 (XV) applies, as transmitted to it by the competent bodies of the United Nations, and to submit to the General Assembly its expressions of opinion and recommendations in this regard.

45. Accordingly, and at the request of the Committee, Mr. Bossuyt examined the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples covering its work during 2014[14] and copies of the working papers on the 16 Territories prepared by the secretariat for the Special Committee and the Trusteeship Council (see CERD/C/89/3) and presented his report to the Committee at its eighty-ninth session, on 13 May 2016. The Committee noted, as it had done in the past, that it was difficult to fulfil its functions comprehensively under article 15 of the Convention owing to the fact that the copies of the reports received pursuant to paragraph 2 (b) contained only scant information directly relating to the principles and objectives of the Convention.

46. The Committee further noted that there was significant ethnic diversity in a number of the Non-Self-Governing Territories, warranting a close watch on incidents or trends that reflected racial discrimination and violation of rights guaranteed in the Convention. The Committee therefore stressed that greater efforts should be made to raise awareness concerning the principles and objectives of the Convention in Non-Self-Governing Territories. The Committee also stressed the need for States parties administering Non-Self-Governing Territories to include details on the implementation of the Convention in those territories in their periodic reports to the Committee.

[14] *Official Records of the General Assembly, Sixty-ninth Session, Supplement No. 23* (A/69/23).

IX. Follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Durban Review Conference

47. The Committee considered the question of follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Durban Review Conference at its eighty-seventh, eighty-eighth and eighty-ninth sessions.

48. Mr. Murillo Martinez participated in the sixteenth session of the Working Group of Experts on People of African Descent.

49. Ms. Crickley and Mr. Bossuyt participated in the sixth session of the Ad Hoc Committee on the Elaboration of Complementary Standards.

50. On the occasion of the celebration of the fifteenth anniversary of the adoption of the Durban Declaration and Programme of Action, the Committee adopted a statement (see annex III).

X. Fiftieth anniversary of the adoption of the Convention

51. On 26 November 2015, during its eighty-eighth session, the Committee held a day of celebration at the United Nations Office at Geneva to commemorate the fiftieth anniversary of the adoption of the Convention. The event enabled the Committee to engage substantively with States parties and other stakeholders to take stock of the status of implementation of the Convention and the Committee's achievements and best practices, as well as to identify current challenges to be addressed. Panellists who participated in the event included former Committee members, special procedure mandate holders and representatives of UNHCR, the Global Alliance of National Human Rights Institutions and non-governmental organizations (see CERD/C/SR.2397 and 2398).

52. The event began with a short video produced by OHCHR on the events of the previous 50 years featuring iconic music and quotes in the fight against racism.[15] A website dedicated to the fiftieth anniversary of the adoption of the Convention, launched a month prior to the event, includes background information about the event and written contributions by the panellists, as well as updated information on related activities.[16]

[15] Available at www.youtube.com/watch?v=EOgIRQjjKNE&feature=youtu.be.

[16] See www.ohchr.org/EN/HRBodies/CERD/50Pages/Icerd50.aspx.

XI. Working methods of the Committee

53. The working methods of the Committee are based on its rules of procedure, adopted in accordance with article 10 of the Convention, as amended,[17] and the Committee's established practice, as recorded in its relevant working papers and guidelines.[18]

54. At its seventy-sixth session, the Committee discussed its working methods and the need to improve its dialogue with States parties. The Committee decided that, instead of sending a list of questions before the session, the country rapporteur would send to the State party concerned a short list of themes with a view to guiding and focusing the dialogue between the State party's delegation and the Committee during the consideration of the State party's report. Such a list of themes does not require written replies.

55. At its seventy-seventh session, on 3 August 2010, the Committee held an informal meeting with representatives of non-governmental organizations to discuss ways and means of strengthening cooperation. The Committee decided to hold informal meetings with non-governmental organizations at the beginning of each week of its sessions when State party reports are being discussed.

56. At its eighty-first session, the Committee initiated the practice of highlighting the focus of the recommendations by using headings in its concluding observations. At its eighty-second session, the Committee further discussed its working methods and, more specifically, issues related to the modalities of the constructive dialogue held with the States parties when considering their reports. The Committee decided to allow 30 minutes for the opening statement of the respective heads of delegation.

57. At its eighty-fifth session, in follow-up to General Assembly resolution 68/268 and the recommendations made by the Chairs of the human rights treaty bodies at their twenty-sixth meeting, held in June 2014, the Committee decided to adopt the simplified reporting procedure and to start its implementation gradually, by offering it to the States parties whose periodic reports are overdue by more than 5 years and to prioritize those States parties whose periodic reports are overdue by more than 10 years. It also decided to adopt the framework for the concluding observations as recommended by the Chairs and to establish the position of a rapporteur on reprisals. The Committee decided to designate English, French and Spanish as its three official working languages, and Russian as a fourth official language on an exceptional basis.

[17] Compilation of rules of procedure adopted by human rights treaty bodies (HRI/GEN/3/Rev.3).

[18] This includes in particular the overview of the methods of work of the Committee (*Official Records of the General Assembly, Fifty-first Session, Supplement No. 18* (A/51/18), chap. IX); the working paper on working methods (*Official Records of the General Assembly, Fifty-eighth Session, Supplement No. 18* (A/58/18), annex IV); the terms of reference for the work of the coordinator on follow-up to the Committee's observations and recommendations (*Official Records of the General Assembly, Sixtieth Session, Supplement No. 18* (A/60/18), annex IV); and the guidelines for the Committee's early warning and urgent action procedure (*Official Records of the General Assembly, Sixty-second Session, Supplement No. 18* (A/62/18), annex III).

XII. Treaty body strengthening process

58. At its eighty-eighth session, the Committee adopted decision 88/1 on the implementation of General Assembly resolution 68/268. At its eighty-fifth session, the Committee adopted the simplified reporting procedure, which it started to implement gradually by offering it to States parties whose reports were overdue by more than 10 years, and also adopted the framework for concluding observations, as recommended by the Chairs of treaty bodies at their twenty-sixth session. Also at its eighty-fifth session, the Committee decided to endorse the Guidelines against Intimidation or Reprisals (the San José Guidelines), as recommended by the Chairs of the treaty bodies at their twenty-seventh session, in accordance with its specific methods and as they apply to the Convention. The Committee appointed Mr. Cali Tzay as its Rapporteur on reprisals. In addition, the Committee endorsed the common methodology for consultations in the elaboration of treaty body general recommendations and general comments. The Committee referred to the decision it took at its eighty-first session on the guidelines on the independence and impartiality of members of the human rights treaty bodies (the Addis Ababa guidelines) and reaffirmed its practice of upholding the independence and impartiality of its members in all its activities and practices in accordance with the Convention and its general recommendation No. 9 (1990) on the independence of experts, adopted at its thirty-eighth session.

Annex I

Status of the Convention

A. States parties to the International Convention on the Elimination of All Forms of Racial Discrimination[a]

1. As at 13 May 2016, there were 177 States parties: Afghanistan, Albania, Algeria, Andorra, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Bulgaria, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cabo Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Holy See, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, San Marino, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, State of Palestine, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia and Zimbabwe.

B. States parties that have made the declaration under article 14 (1) of the Convention

2. As at 13 May 2016, 57 States parties had made the declaration under article 14 (1) of the Convention: Algeria, Andorra, Argentina, Australia, Austria, Azerbaijan, Belgium, Bolivia (Plurinational State of), Brazil, Bulgaria, Chile, Costa Rica, Cyprus, Czech Republic, Denmark, Ecuador, Estonia, Finland, France, Georgia, Germany, Hungary, Iceland, Ireland, Italy, Kazakhstan, Liechtenstein, Luxembourg, Malta, Mexico, Monaco, Montenegro, Morocco, Netherlands, Norway, Panama, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, San Marino, Senegal, Serbia,

[a] The following States have signed but not ratified the Convention: Bhutan, Nauru and Sao Tome and Principe.

Slovakia, Slovenia, South Africa, Spain, Sweden, Switzerland, Togo, the former Yugoslav Republic of Macedonia, Ukraine, Uruguay and Venezuela (Bolivarian Republic of).

C. States parties that have accepted the amendments to article 8 (6) of the Convention adopted at the 14th meeting of States parties

3. As at 13 May 2016, 46 States parties had accepted the amendments to article 8 (6) of the Convention adopted at the 14th meeting of States parties: Australia, Bahamas, Bahrain, Belize, Bulgaria, Burkina Faso, Canada, China, Colombia, Costa Rica, Cuba, Cyprus, Czech Republic, Denmark, Ecuador, Finland, France, Germany, Guinea, Holy See, Iceland, Iran (Islamic Republic of), Iraq, Ireland, Jamaica, Liberia, Liechtenstein, Luxembourg, Mexico, Morocco, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Saudi Arabia, Seychelles, Slovakia, Sweden, Switzerland, Syrian Arab Republic, Trinidad and Tobago, Ukraine, United Kingdom of Great Britain and Northern Ireland and Zimbabwe.

Annex II

Follow-up information provided in relation to cases in which the Committee adopted recommendations

1. The present annex contains a compilation of information received on follow-up to individual communications since the previous annual report,[a] as well as any decisions made by the Committee on the nature of those responses.

Republic of Korea

L.G., opinion No. 51/2012, adopted on 1 May 2015

Issues and violations found

2. The issue before the Committee was the failure to effectively protect the petitioner from an alleged act of racial discrimination. As a result of the implementation of a policy of mandatory testing for HIV/AIDS and illegal drugs only among teachers who are native speakers of English, the petitioner's right to work was violated, depriving her of her right to effective protection and remedies against the reported act of racial discrimination. In addition, there was the failure by the State party to take effective measures to review governmental policies, to amend, rescind or nullify laws or regulations that perpetuate racial discrimination and to prohibit and bring to an end, by all appropriate means, racial discrimination. Thus, the issue was whether there had been a violation by the State party of articles 2 (1) (c) and (d), 5 (e) (i) and 6 of the Convention.

Remedy recommended

3. The Committee recommended that the State party grant the petitioner adequate compensation for the moral and material damages caused to her by the above-mentioned violations of the Convention, including compensation for the wages lost during the one year she was prevented from working. The Committee also recommended that the State party take the appropriate measures to review regulations and policies relating to the employment of foreigners and that it abolish, both in law and in practice, any piece of legislation, regulation, policy or measure that has the effect of creating or perpetuating racial discrimination. The Committee further recommended that the State party counter the stereotyping and stigmatizing of foreigners by public officials, the media and the public at large. Furthermore, the Committee requested the State party to widely disseminate its opinion.

Initial or periodic reports examined since the adoption of the opinion

4. The State party's combined fifteenth and sixteenth periodic reports were examined by the Committee at its eighty-first session, in August 2012.

Previous follow-up information

5. There was no follow-up information.

[a] *Official Records of the General Assembly, Seventieth Session, Supplement No. 18* (A/70/18).

Petitioner's comments

6. On 10 August 2015, the petitioner reported that she had not been contacted by the State party's authorities, despite the fact that the Committee had issued its opinion in May 2015. In addition, she indicated that the policy of compulsory testing for HIV/AIDS and illegal drugs for teachers who are native speakers of English remained in place despite the Committee's recommendations. She highlighted that the website of the Ministry of Education entitled "English programme in Korea" continued to include the failure to be tested for HIV/AIDS and illegal drugs as a cause for terminating the contract.

7. On 12 May 2015, the petitioner indicated that she had not received adequate compensation for the moral and material damages caused to her by the violations of the Convention, as recommended by the Committee. She also indicated that the State party had failed to implement the Committee's recommendation that appropriate measures be taken to review the regulations and policies relating to the employment of foreigners and to abolish, both in law and in practice, any piece of legislation, regulation, policy or measure that has the effect of creating or perpetuating racial discrimination. The petitioner claimed that the State party had apparently introduced mandatory HIV/AIDS testing for other non-Korean groups, as well as for the category of workers affected by the regulations analysed by the Committee. The petitioner reported that her counsel had filed a complaint with the National Human Rights Commission against the State party's policies, which continue to promote HIV/AIDS-related stigma and discrimination, thereby harming the public health and human rights of all citizens and non-citizens residing in the country.

State party's reply

8. On 9 December 2015, the State party informed the Committee that no compensation had been granted to the petitioner because, pursuant to domestic law, compensation was to be granted following recognition of non-fulfilment of a contract or tort, conditions that were not present in the petitioner's case. Officers who apply domestic law cannot incur penalties for intentional tort or negligence; they are not responsible for requesting the implementation of an HIV/AIDS test in conformity with the law. In addition, as the petitioner's contract had not been renewed, there was no obligation to pay for lost wages.

9. Regarding the review of regulations and policies related to the employment of foreigners, the State party has indicated that article 22 of the Act on Employment of Foreign Workers prohibits discrimination; article 6 of the Labour Standards Act prohibits discriminatory acts based on nationality; and article 9 of the Trade Union and Labour Relations Adjustment Act prohibits discriminatory acts on the grounds of race.

10. The State party also informed the Committee that it had taken several measures to fight xenophobia, including the adoption of the Regulations on Broadcasting Deliberation, which impose sanctions on broadcasters who violate article 100 of the Broadcasting Act and require viewers to be notified of the reasons for the sanction, the laws violated and the results of the sanction.[b] In addition, the State party has put in place the Guidelines on Broadcasting Language, which are aimed at regulating discriminatory and inflammatory expressions. Furthermore, training programmes on multicultural sensitivity, understanding the multicultural society of the Republic of Korea and marriage-related immigrant policies are provided to public officials on a regular basis. The State party has further indicated that the Government is making every effort to prevent violations of the human rights of foreigners in the administration of justice and that human rights education is part of such efforts, providing the basis for a better understanding of international human rights treaties and the universality of human rights.

[b] No further information has been provided on this matter.

11. The State party informed the Committee that it had published the opinion, together with its Korean translation, in the Government's official Gazette on 28 August 2015.

Petitioner's further comments

12. On 7 April 2016, the petitioner informed the Committee that the State party had not granted her the adequate compensation recommended by the Committee, which constitutes a continued violation of article 6 of the Convention. In addition, the State party has not offered her any formal or informal apology. The petitioner further informed the Committee that she would bring a lawsuit before the State party's courts in order to obtain such compensation. In addition, she indicated that she would start a campaign with the international press in order to inform the media about her case and the State party's non-compliance with the Committee's opinion. She would also inform others, including the President of the Human Rights Council and the Secretary-General.

Proposed further action or Committee's decision

13. The dialogue is ongoing.

Slovakia

V.S., opinion No. 56/2014, adopted on 4 December 2015

Issues and violations found

14. The issue before the Committee was the failure to effectively protect the petitioner from an alleged act of racial discrimination because of her Roma origin when trying to access to employment in a public school, which consequently violated the petitioner's right to work and deprived her of her right to effective protection and remedies against the reported act of racial discrimination. Thus, the issue was whether there had been a violation by the State party of articles 5 (e) (i) and 6 of the Convention.

Remedy recommended

15. The Committee recommended that the State party convey an apology to the petitioner and grant her adequate compensation for the damages caused to her. The Committee also recommended that the State party fully enforce its Anti-discrimination Act through the enhancement of available court proceedings for victims of racial discrimination by ensuring, inter alia, that the principle of shifted burden of proof is applied as established in the Act and by providing clear information about available domestic remedies in cases of racial discrimination. The Committee further recommended that the State party take all measures necessary to ensure that persons involved in education, at all levels, are periodically trained to prevent and avoid racial discrimination, in accordance with the provisions of the Convention. Adequate training programmes on equality before the law should also be provided to law enforcement officials. Furthermore, the Committee requested the State party to widely disseminate its opinion.

Initial or periodic reports examined since the adoption of the opinion

16. The State party's combined ninth and tenth periodic reports were examined by the Committee at its eighty-second session.

Previous follow-up information

17. There was no follow-up information.

Reply from the State party

18. On 9 March 2016, the State party informed the Committee that, after studying in detail the opinion adopted in the petitioner's case, it had come to the conclusion that

Slovakia could not implement the recommendations made by the Committee — to convey an apology and to grant adequate compensation to the petitioner — as the domestic courts, including the Constitutional Court, had examined the petitioner's case and had rejected the claim that she had suffered discrimination. Those judgments could not be replaced by the Committee's opinion, which is not legally binding and, therefore, not directly enforceable. With regard to the remaining recommendations, the State party has indicated that they are continuously implemented by the domestic authorities and that there is no need, therefore, to take any special measures in that regard.

Petitioner's comments

19. The petitioner's comments are due on 26 August 2016.

Proposed further action or Committee's decision

20. The dialogue is ongoing.

Annex III

Statement on the occasion of the celebration of the fifteenth anniversary of the adoption of the Durban Declaration and the Programme of Action

1. On the occasion of the celebration of the fifteenth anniversary of the adoption of the Durban Declaration and Programme of Action, the Committee on the Elimination of Racial Discrimination reaffirms the importance of the Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, from 31 August to 8 September 2001, and the Outcome Document of the Durban Review Conference, held in Geneva from 20 to 24 April 2009. The Committee stresses that those documents constitute a solid foundation from which to combat racial discrimination, xenophobia and related intolerance.

2. While noting that the Durban Declaration and Programme of Action place the International Convention on the Elimination of All Forms of Racial Discrimination and its implementation at the centre of activities against racism and racial discrimination, they also call attention to new forms and manifestations of those scourges. In that regard, the Committee recalls, firstly, its general recommendations No. 28 (2002) on the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and No. 33 (2009) on the follow-up to the Durban Review Conference and, secondly, the following general recommendations, which have been adopted since Durban and relate to areas covered by the Convention:

(a) General recommendation No. 29 (2002) on article 1 (1) of the Convention;

(b) General recommendation No. 20 (2005) on article 5 of the Convention;

(c) General recommendation No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system;

(d) General recommendation No. 32 (2009) on the meaning and scope of special measures in the Convention;

(e) General recommendation No. 34 (2011) on racial discrimination against people of African descent;

(f) General recommendation No. 35 (2013) on combating racist hate speech.

3. The Committee welcomes the progress that countries and regions have made since 2001 in combating racism, racial discrimination, xenophobia and related intolerance. As the body established by the Convention, which has been ratified by 177 States, the Committee finds, however, that, on the basis of the information contained in the periodic reports of the majority of States parties, racism, racial discrimination, xenophobia and related intolerance persist in all regions of the world and that countless individuals and many vulnerable groups continue to be victims.

4. The Committee also welcomes the adoption by many States parties of programmes of action and other measures, including legislative changes, to implement the provisions of the Durban Declaration and Programme of Action. It reaffirms, moreover, that the primary responsibility for the prevention and elimination of racism and racial discrimination and the fight against those scourges lies with States. Nevertheless, it remains committed to strengthening the implementation of the Convention not only through a dialogue with States parties but also through cooperation with other bodies established under international

human rights instruments, relevant organizations of the United Nations system and civil society, taking fully into account the documents adopted at the Durban Conference.

5. The Committee urges that the General Assembly, on the occasion of the celebration of the fifteenth anniversary of the adoption of the Durban Declaration and Programme of Action:

(a) To reaffirm the Durban Declaration and Programme of Action adopted at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, held in Durban, South Africa, in 2001, and the Outcome Document of the Durban Review Conference, held in Geneva in 2009;

(b) To recall the central role of the Convention in eliminating all forms of racial discrimination, as reflected in the documents adopted in Durban;

(c) To urge States parties to fully implement the provisions of the Convention and once again call for universal ratification without any reservations;

(d) To invite States parties to implement the outcome mechanisms of the Durban Review Conference by developing anti-discrimination policies targeted at the most vulnerable groups (indigenous peoples, migrants, refugees, marginalized groups and people of African descent);

(e) To ensure, with regard to people of African descent in particular, the recognition of their rights and their visibility in the societies concerned;

(f) To invite all stakeholders to give effect to General Assembly resolution 69/16 and to develop a declaration on people of African descent before the end of the International Decade for People of African Descent;

(g) To provide the United Nations High Commissioner for Human Rights, in his capacity as coordinator of the Decade, with adequate human and financial resources so that he can effectively follow up on the implementation of activities in the framework of the Decade;

(h) To call upon the States parties to reaffirm their political will and redouble their efforts, given the slow progress achieved, to build a world free of racism, racial discrimination, xenophobia and related intolerance, and, in particular, to invite States parties to adopt a definition of racial discrimination that is in line with article 1 of the Convention and to work to strengthen the procedures of the Committee, especially the early warning and urgent action procedure.